

Public Notice

U.S. Army Corps
of Engineers
Pittsburgh District

In Reply Refer to
Notice No. below

US Army Corps of Engineers, Pittsburgh District
1000 Liberty Avenue
Pittsburgh, PA 15222-4186

Application No. 2010-865

Date: May 31, 2011

Notice No. 11-24

Closing Date: July 1, 2011

1. TO ALL WHOM IT MAY CONCERN: The following application has been submitted for a Department of the Army Permit under the provisions of Section 404 of the Clean Water Act.

2. APPLICANT: Bruce Thaler
BT Erie Casino, LLC
116 Union Avenue
Altoona, Pennsylvania 16602

3. AGENT: Dan Young
Urban Engineering
1319 Sassafras Street
Erie, Pennsylvania 16501-1720

4. LOCATION: The Proposed Sheetz Development Site is located within wetlands in the Walnut Creek Watershed at 8180 Perry Highway, Summit Township, Erie County, Pennsylvania

The Proposed Elk Creek Watershed Mitigation Site is located along Peffer Road, Fairview and McKean Townships, Erie County, Pennsylvania

5. PURPOSE AND DESCRIPTION OF WORK: The applicant proposes to construct a Sheetz convenience store on a 3.1 acre site. The project will impact 1.071 acres of Palustrine Emergent (PEM)/Scrub-Shrub (PSS)/Forested (PFO) Wetland (0.245 acres of PEM, 0.459 acres of PSS and 0.367 acres of PFO) located in the Walnut Creek watershed.

Mitigation will consist of the construction of 2.69 acres of wetlands at the Peffer Road Site. Temporary impacts to wetlands due to construction of the Elk Creek Watershed Mitigation Site will be 0.17 acres. Applicant also proposes payment of \$25,500 to the Erie County Conservation District for acquisition of property within the Walnut Creek Watershed for creation of future wetlands. Drawings of the proposed development and Mitigation Sites are attached to this notice.

6. ENCROACHMENT PERMIT: The applicant must obtain a Water Obstruction and Encroachment Permit which includes 401 Water Quality Certification from the:

Pennsylvania Department of Environmental Protection
Northwest Regional Office
Permits and Technical Services Section
230 Chestnut Street
Meadville, PA 16335-3481
Telephone: 814 -332-6984

7. IMPACT ON NATURAL RESOURCES: The District Engineer has consulted the most recently available information and has determined that the project is not likely to affect the continued existence of any endangered species or threatened species, or result in the destruction or adverse modification of habitat of such species which has been determined to be critical. This Public Notice serves as a request to the U. S. Fish and Wildlife Service for any additional information they may have on whether any listed or proposed to be listed endangered or threatened species may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended).

8. IMPACT ON CULTURAL RESOURCES: The National Register of Historic Places has been consulted, and it has been determined that there are no properties currently listed on the register which would be directly affected by the proposed work. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archeological, scientific, prehistorical, or historical sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 - Public Law 89-665 as amended (including Public Law 96-515).

9. PUBLIC INVOLVEMENT: Any person may request, in writing, within the comment period specified in the paragraph below entitled "RESPONSES," that a public hearing be held to consider this application. The requests for public hearing shall state, with particularity, the reasons for holding a public hearing.

10. EVALUATION: Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposals must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and

other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the overall public interest of the proposed activity. The evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under the authority of Section 404(b) of the Clean Water Act (40 CFR Part 230).

11. RESPONSES: A permit will be granted unless its issuance is found to be contrary to the public interest. Written statements concerning the proposed activity should be received in this office on or before the closing date of this Public Notice in order to become a part of the record and to be considered in the final determination. Any objections which are received during this period may be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. All responses to this notice should be directed to the Regulatory Branch, attn Michael Fodse at the above address, by telephoning (412) 395-7575, or by e-mail at Michael.M.Fodse@usace.army.mil. Please refer to CELRP-OP-F 2010-865 in all responses.

FOR THE DISTRICT ENGINEER:



Nancy Mullen
North Section Chief, Regulatory Branch



USGS 7.5' QUADRANGLE:
Erie South, PA

Scale: 1" = 2000'

Urban Project Number 2009140.08



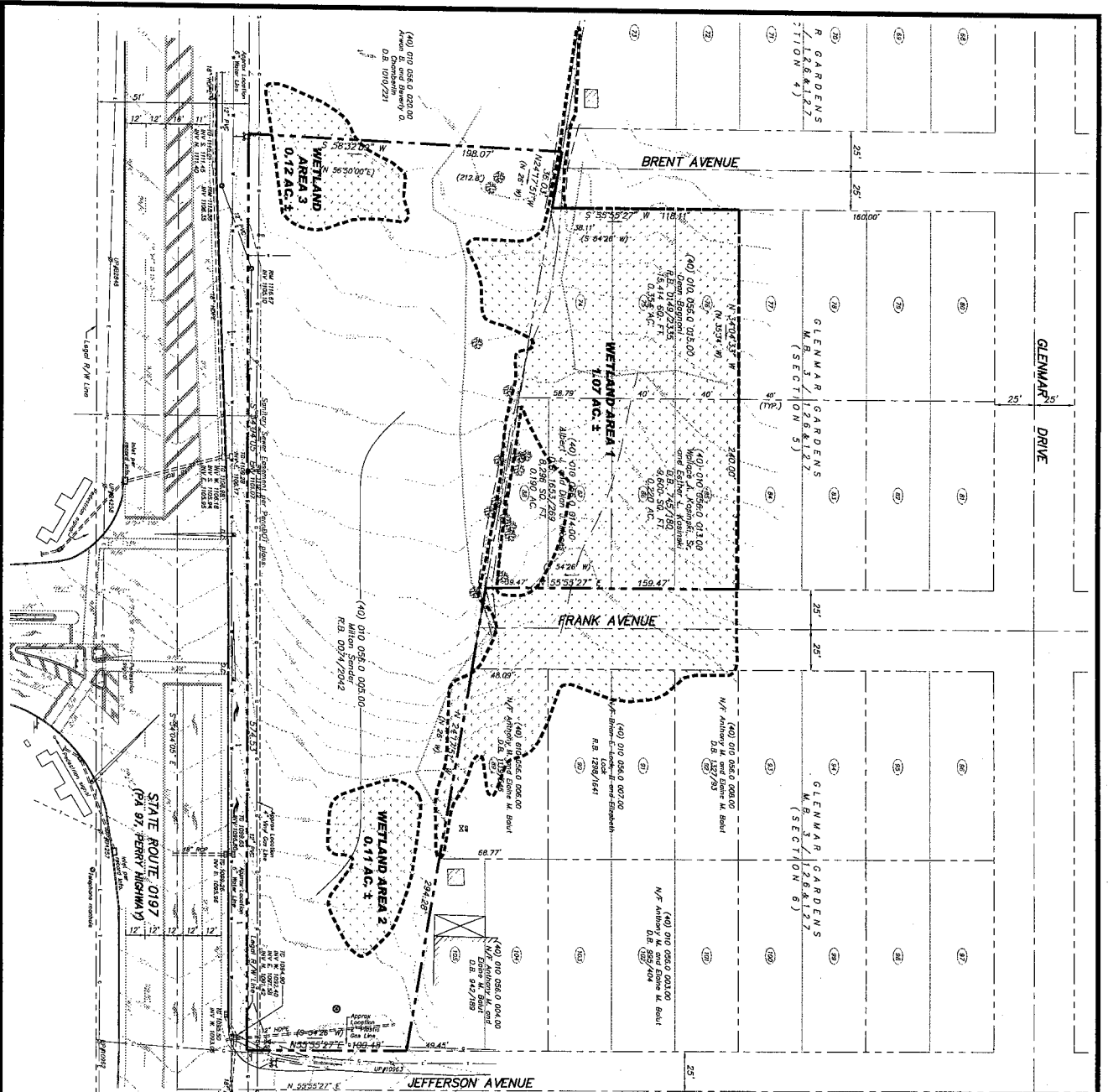
Urban Engineers of Erie, Inc.
1319 Sassafras Street
Erie, Pennsylvania 16501-1720
(814) 453-5702 Fax (814) 453-2020

Proposed Sheetz, Inc. Development Site
8180 Perry Highway
Summit Township
Erie County, Pennsylvania

March 2011

SITE LOCATION MAP

Figure 1



SCALE: 1" = 30'
30' 20' 10' 0'



NOTES:

1. A BEACH MARK IS TOP OF FOUND HIGHWAY AT (N.A. 100.000)
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LEGEND

- CENTERLINE
- BOUNDARY LINE
- PROPERTY LINE
- RIGHT-OF-WAY LINE
- ORIGINAL SUBDIVISION LOT LINE/LOT #
- BUILDING SETBACK LINE
- CONTOUR LINE
- EDGE OF PAVEMENT
- CURB/DEPRESSED CURB
- CONCRETE
- BUILDING/DIVERSION
- OVERHEAD/BURIED ELEC.
- OVERHEAD/BURIED CABLE
- GAS LINE
- WATER MAIN LATERAL
- SANITARY SEWER LINE LATERAL
- STORM SEWER LINE
- BOTTOM OF DITCH / TOP OF SLOPE
- TOP OF DITCH / TOP OF SLOPE
- RECORD DATA
- RECORD BOOK AND PAGE
- DEED BOOK AND PAGE
- MAP BOOK AND PAGE
- PROPOSED CATCH BASIN
- PROPOSED PER RAP AMPION OF DISTRIBUTION
- PROPOSED WORKS BOUNDARY
- METERS
- MANHOLE
- UTILITY POLE/POST
- SIGNAL POLE
- LIGHT POLE
- SIGN
- HYDRANT
- WATER VALVE
- WATER METER
- GAS VALVE
- GAS WELL
- GAS METER
- GAS WARDER
- FIRE (AS NOTED)
- BRUSH LINE/LOW LINE
- FOUND MANHOLE
- FOUND REBAR
- FOUND NEW SURVEY POINT
- FOUND SIGN
- SET BEARS & CAP
- PROPOSED CONTOUR LINES
- PROPOSED SANITARY SEWER
- PROPOSED GAS LINE
- PROPOSED STORM SEWER
- PROPOSED CATCH BASIN
- PROPOSED PER RAP AMPION OF DISTRIBUTION
- PROPOSED WORKS BOUNDARY

REVISION NOTE

NO.	DATE	REVISION NOTE

CONTRACTOR TO VERIFY EXACT LOCATION OF UTILITIES BY CONTACTING PENNSYLVANIA ONE-CALL CENTER (800) 488-7878 AND A MANUAL OF 101 (10) WORKING DAYS BEFORE COMMENCING EXCAVATION. CONTRACTOR TO VERIFY ANY UTILITIES WHICH MAY BE IN THE AREA OF THE PROJECT BY CALLING PENNSYLVANIA ONE-CALL CENTER (800) 488-7878 OR PENNSYLVANIA ONE-CALL ON 200914003.103.

200914003.103

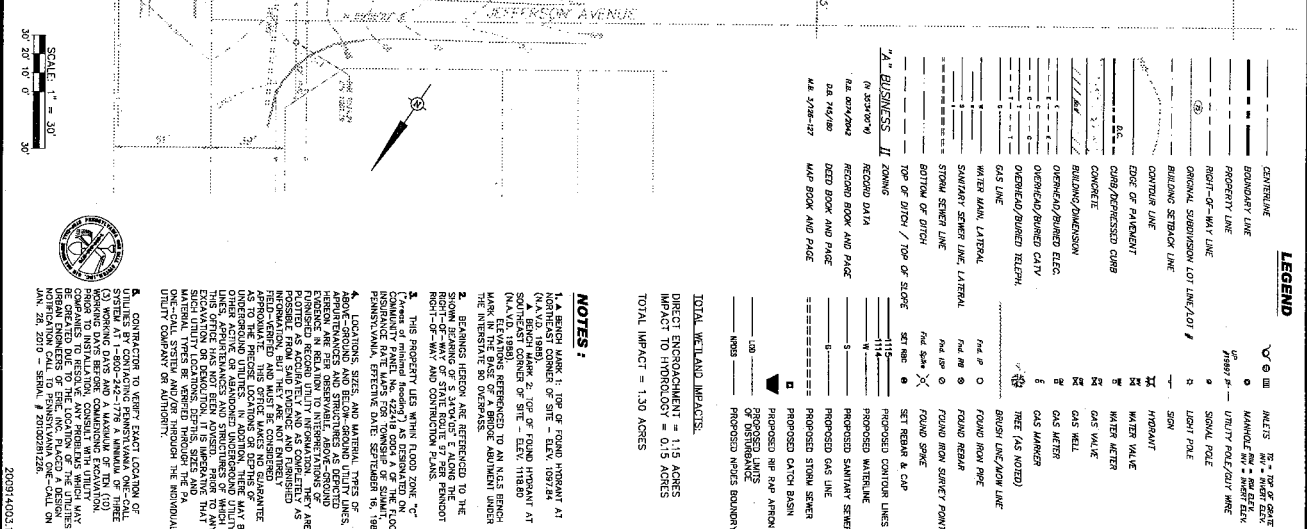
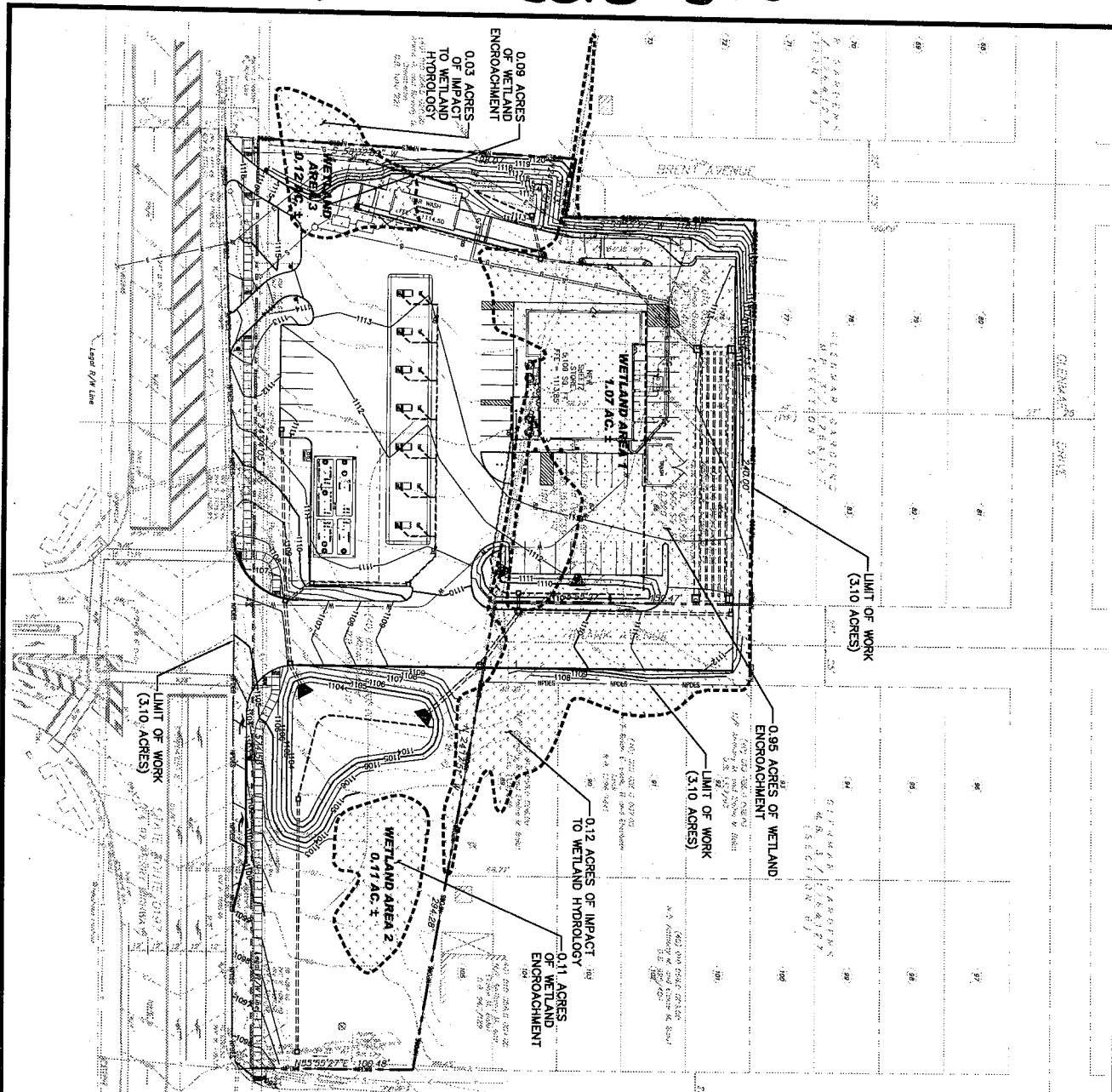
Sheetz

PROPOSED RETAIL DEVELOPMENT
STATE ROUTE 97 AT JEFFERSON AVENUE
SUMMIT TOWNSHIP, ERIC COUNTY, PENNSYLVANIA

JOINT PERMIT PLAN - EXISTING FEATURES

DATE: 04-07-11
SCALE: AS SHOWN
DRAWING NO.: JP-1

UNBRT
UNBRT ENGINEERS
1308 Sanderson Court
Pittsburgh, PA 15206
Telephone: 412-445-5200
Fax: 412-445-5200



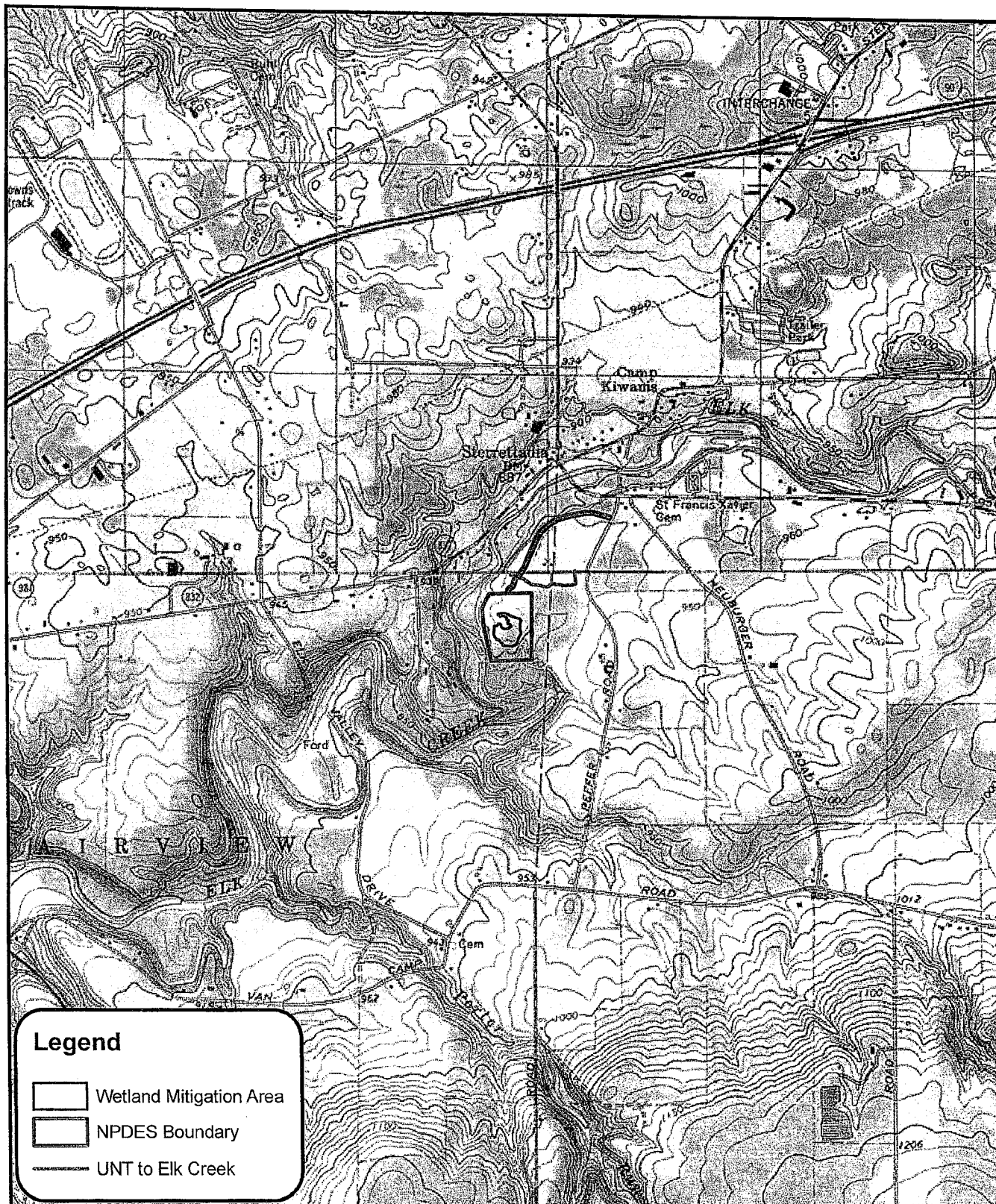


Figure 1: Project Location Map for the Sheetz Mitigation Site

Municipality: Fairview & McKean Twp. County: Erie

Prepared for:
BT Erie Casino, L.L.C.
Altoona, PA 16602

Prepared by:

Source:
NWI Quads: Edinboro North
USGS: NGS Topo US 2D

0 2,000 4,000 Feet



BERAN
ENVIRONMENTAL SERVICES
Boyers, PA 724-735-2766

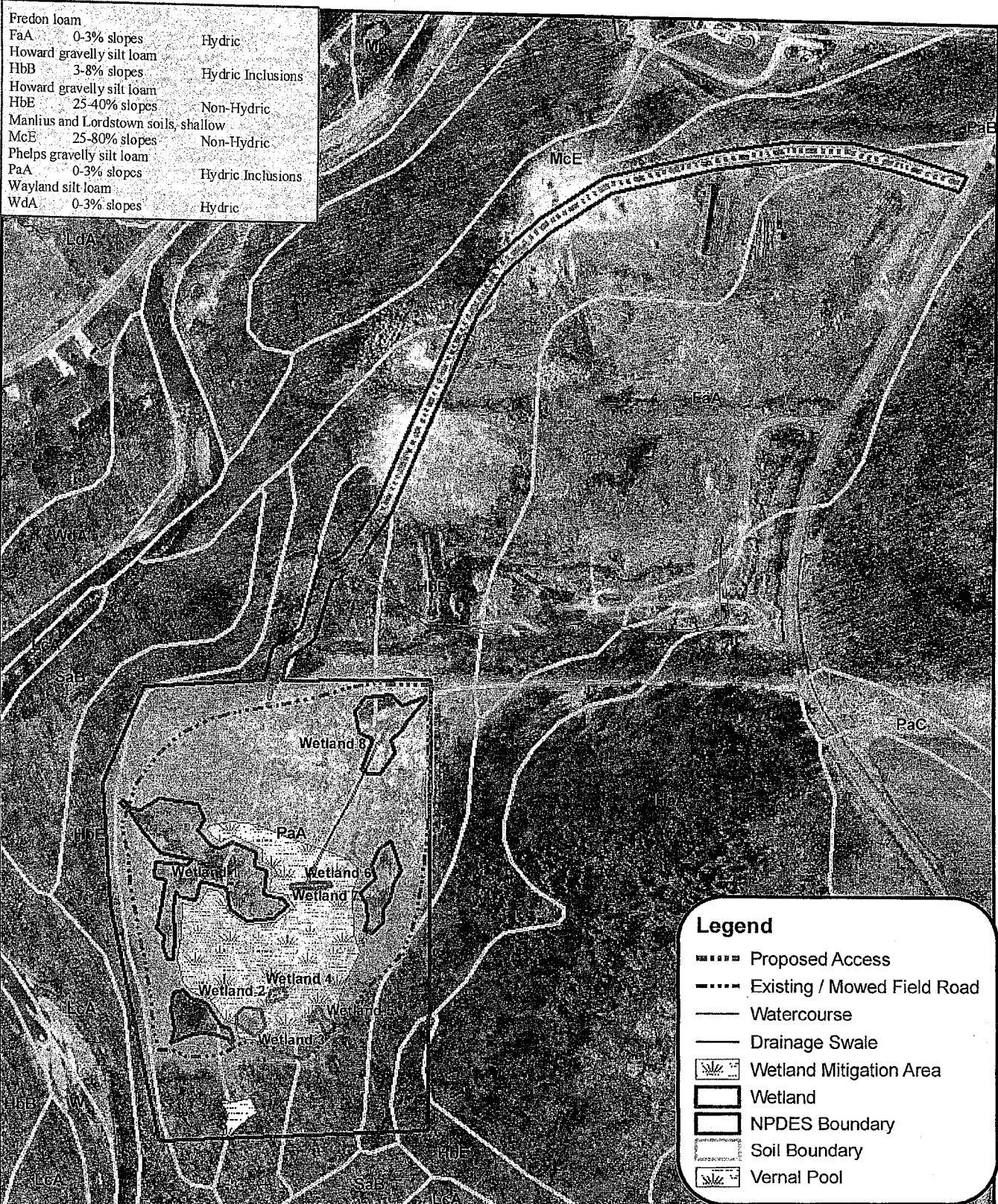


Figure 2: Soils and Project Map for the Sheetz Mitigation

Municipality: Fairview & Mckean Twps. County: Erie

Prepared for:
 BT Erie Casino, L.L.C.
 Altoona, PA 16602

Prepared by:

Source: PAMAP Program, PA DCNR,
 Bureau of Topographic and Geologic
 Survey, Erie County, PA. &
 Erie County Soil Survey

0 300 600 Feet



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 ENVIRONMENTAL SERVICES
 Boyers, PA 724-735-2766